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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 119--HOMELESS ASSISTANCE

SUBCHAPTER I--GENERAL PROVISIONS

Sec. 11301. Findings and purpose

(a) Findings

The Congress finds that--

(1) the Nation faces an immediate and unprecedented crisis due to the lack of shelter for a growing number of individuals and families, including elderly persons, handicapped persons, families with children, Native Americans, and veterans;

(2) the problem of homelessness has become more severe and, in the absence of more effective efforts, is expected to become dramatically worse, endangering the lives and safety of the homeless;

(3) the causes of homelessness are many and complex, and homeless individuals have diverse needs;

(4) there is no single, simple solution to the problem of homelessness because of the different subpopulations of the homeless, the different causes of and reasons for homelessness, and the different needs of homeless individuals;

(5) due to the record increase in homelessness, States, units of local government, and private voluntary organizations have been unable to meet the basic human needs of all the homeless and, in the absence of greater Federal assistance, will be unable to protect the lives and safety of all the homeless in need of assistance; and

(6) the Federal Government has a clear responsibility and an existing capacity to fulfill a more effective and responsible role to meet the basic human needs and to engender respect for the human dignity of the homeless.

(b) Purpose- It is the purpose of this chapter--

(1) to establish an Interagency Council on the Homeless;

(2) to use public resources and programs in a more coordinated manner to meet the critically urgent needs of the homeless of the Nation; and

(3) to provide funds for programs to assist the homeless, with special emphasis on elderly persons, handicapped persons, families with children, Native Americans, and veterans.

(Pub. L. 100-77, title I, Sec. 102, July 22, 1987, 101 Stat. 484.)

References in Text

This chapter, referred to in subsec. (b), was in the original ``this Act'', meaning Pub. L. 100-77, July 22, 1987, 101 Stat. 482, known as the Stewart B. McKinney Homeless Assistance Act. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Short Title of 1994 Amendment

Pub. L. 103-421, Sec. 1, Oct. 25, 1994, 108 Stat. 4346, provided that: ``This Act [amending section 11411 of this title and enacting and amending provisions set out as notes under section 2687 of Title 10, Armed Forces] may cited as the `Base Closure Community Redevelopment and Homeless Assistance Act of 1994'."

Short Title of 1993 Amendment

Pub. L. 103-120, Sec. 1, Oct. 27, 1993, 107 Stat. 1144, provided that: ``This Act [amending sections 1490o and 12724 of this title and sections 1701z-11, 1721, and 1735f-9 of Title 12, Banks and Banking, enacting provisions set out as notes under this section and sections 1437f, 1490o, and 9816 of this title, and amending a provision set out as a note under section 1437f of this title] may be cited as the `HUD Demonstration Act of 1993'."

Short Title of 1992 Amendment

Pub. L. 102-550, title XIV, Sec. 1401, Oct. 28, 1992, 106 Stat. 4012, provided that: ``This title [enacting sections 11381 to 11389, 11391 to 11399, 11403e-4, 11404, 11405 to 11405b, 11406 to 11406b, 11407 to 11407b, 11408, and 11408a of this title,

transferring sections 11404c to 11404e of this title to sections 11403e-1 to 11403e-3 of this title, respectively, amending sections 11318, 11319, 11346, 11352, 11374, 11375, 11377, 11401, 11403a, 11403c to 11403e, 11403g, 11403h, 11404a, and 11404b of this title, repealing sections 11381 to 11388, 11391 to 11394, 11404, 11405 to 11405c, and 11406 to 11406c of this title, enacting provisions set out as notes preceding section 11361 and under sections 11361, 11381, and 11411 of this title, amending provisions set out as a note under this section, and repealing provisions set out as notes under sections 11361, 11391, and 11399 of this title] may be cited as the `Stewart B. McKinney Homeless Housing Assistance Amendments Act of 1992'."

Short Title of 1990 Amendment

Pub. L. 101-645, Sec. 1(a), Nov. 29, 1990, 104 Stat. 4673, provided that: ``This Act [enacting sections 5118 to 5118e, 11434a, 11465, 11466, and 11481 to 11489 of this title and section 1703a of Title 29, Labor, amending sections 256, 290bb-2, 290cc-21 to 290cc-35, 11302, 11312, 11318, 11319, 11332, 11352, 11411, 11421, 11431 to 11435, 11443, 11449, 11450, 11463, and 11464 of this title, enacting provisions set out as notes under this section, sections 5118, 11332, 11411, and 11463 of this title, and section 141 of Title 13, Census, and amending provisions set out as a note under section 290aa-3 of this title] may be cited as the `Stewart B. McKinney Homeless Assistance Amendments Act of 1990'."

Pub. L. 101-645, title VI, Sec. 601, Nov. 29, 1990, 104 Stat. 4734, provided that: ``This title [enacting sections 5118 to 5118e, 11434a, 11465, 11466, and 11481 to 11489 of this title and section 1703a of Title 29, Labor, amending sections 11302, 11421, 11431 to 11435, 11443, 11449, 11450, 11463, and 11464 of this title, and enacting provisions set out as notes under sections 5118 and 11463 of this title] may be cited as the `Stewart B. McKinney Homeless Assistance Amendments Act of 1990'."

Short Title of 1988 Amendment

Pub. L. 100-628, Sec. 1(a), Nov. 7, 1988, 102 Stat. 3224, provided that: ``This Act [enacting sections 3544, 11320, and 11402 of this title and sections 1583, 1791 to 1791j of Title 29, Labor, amending sections 254e, 256, 290bb-2, 290cc-21, 290cc-28, 290cc-29, 290cc-35, 290cc-36, 290dd, 290ee, 290ee-1, 503, 504, 602, 1437d, 1437f, 1437n, 1437o, 1437r, 1472, 1480, 1484 to 1486, 1490o, 3002, 3015,

3021, 3025 to 3027, 3031, 3035a, 3056e, 4013, 4121, 4822, 5302, 5304, 5306, 5318, 8103, 11304, 11313, 11318, 11319, 11352, 11361, 11373 to 11375, 11377, 11382 to 11385, 11387, 11388, 11392, 11394, 11401, 11411, 11421, 11432, 11433, 11435, 11447, 11449, 11462 to 11464, and 11501 of this title, sections 1454, 1701x, 1701z-11, 1709, 1710, 1715z-1a, 1715z-12, 1715z-20, 1717, 2805, and 2806 of Title 12, Banks and Banking, sections 1701 and 1719 of Title 15, Commerce and Trade, and sections 49, 49a, 49b, 49d to 49j, 49l, 49l-1, 1502, 1504, 1505, 1514, 1516, 1531, and 1602 of Title 29, enacting provisions set out as notes under this section and sections 256, 1437d, 1437f, 1472, 11303, 11374, 11381, 11383, 11384, 11392, 11401, and 11501 of this title, sections 1710 and 1715z-1a of Title 12, section 2661 of Title 15, and section 1501 of Title 29, and amending provisions set out as notes under sections 290aa-3, 1472, 1490m, and 4822 of this title, sections 1701z-6, 1709, 1715l, and 2802 of Title 12, and section 49 of Title 29] may be cited as the `Stewart B. McKinney Homeless Assistance Amendments Act of 1988'."

Short Title

Section 101(a) of Pub. L. 100-77 provided that: ``This Act [enacting this chapter and sections 256 and 290cc-21 to 290cc-36 of this title, amending sections 254e, 290bb-1a, 290bb-2, and 5302 of this title, sections 2012, 2014, 2020, and 2025 of Title 7, Agriculture, sections 1205 and 1207a of Title 20, Education, sections 1503 and 1551 of Title 29, Labor, and section 484 of Title 40, Public Buildings, Property, and Works, repealing section 256a of this title, enacting provisions set out as notes under this section and section 290aa-3 of this title and sections 2012, 2014, and 2020 of Title 7, and amending provisions set out as notes under section 612c of Title 7 and section 1721 of Title 29] may be cited as the `Stewart B. McKinney Homeless Assistance Act'."

Regulations

Pub. L. 100-628, title IV, Sec. 485, Nov. 7, 1988, 102 Stat. 3239, provided that: ``Not later than 60 days after the date of the enactment of this Act [Nov. 7, 1988], the Secretary of Housing and Urban Development or other Federal entity involved shall by notice establish such requirements as may be necessary to carry out the amendments made by titles I through IV [see Tables for classification]

and by section 501(2)(B) [amending section 11411 of this title]. The Secretary or other Federal entity involved shall issue regulations based on the notice not later than 12 months after the date of the enactment of this Act."

Innovative Homeless Initiatives Demonstration Program

Pub. L. 103-120, Sec. 2, Oct. 27, 1993, 107 Stat. 1144, as amended by Pub. L. 104-330, title V, Sec. 506(b), Oct. 26, 1996, 110 Stat. 4045, directed Secretary of Housing and Urban Development, through cooperative efforts in partnership with other levels of government and the private sector, including nonprofit organizations, foundations, and communities, to demonstrate methods of undertaking comprehensive strategies for assisting homeless individuals and families (including homeless individuals who have AIDS or who are infected with HIV), through a variety of activities, including the coordination of efforts and the filling of gaps in available services and resources, directed Secretary to provide comprehensive homeless demonstration grants and innovative project funding, and provided for submission of reports and authorization of appropriations, prior to repeal by Pub. L. 103-120, Sec. 2(g), Oct. 27, 1993, 107 Stat. 1148.

Strategy To Eliminate Unfit Transient Facilities

Pub. L. 101-625, title VIII, Sec. 825, Nov. 28, 1990, 104 Stat. 4356, as amended by Pub. L. 102-550, title XIV, Sec. 1412, Oct. 28, 1992, 106 Stat. 4039, directed Secretary of Housing and Urban Development, not more than 9 months after Oct. 28, 1992, to identify the States and units of general local government using unfit transient facilities as housing for homeless families with children and develop and publish in the Federal Register a strategy to eliminate such use by July 1, 1994, and in developing such strategy, to consult with the Secretary of the Department of Health and Human Services, the Administrator of the Federal Emergency Management Agency, other appropriate Federal officials, appropriate States and units of general local government, major organizations representing homeless persons and other experts.

Report on Effect of Rent Control on Homelessness

Pub. L. 100-628, title IV, Sec. 483, Nov. 7, 1988, 102 Stat. 3238, directed Secretary of Housing and Urban Development, within 12 months after Nov. 7, 1988, to submit to Congress a report evaluating the impact of local housing rent controls and regulations on rate of homelessness, and on the development, supply, availability, and affordability of housing, in major cities in the United States, with report to include additional specified information.

Requirement of Certain Study With Respect to Homelessness

Section 603 of Pub. L. 100-77 directed Secretary of Health and Human Services, not later than 18 months after July 22, 1987, to complete a study with respect to determining extent to which mental health deinstitutionalization policies of States are contributing to problem of homelessness, and submit to Congress the findings made as a result of such study, including any recommendations with respect to administrative and legislative initiatives that could reduce the number of chronically mentally ill individuals who are homeless.

Sec. 11302. General definition of homeless individual

(a) In general

For purposes of this chapter, the term ``homeless'' or ``homeless individual or homeless person'' \1\ includes--

\1\ So in original. Probably should be `` ``homeless individual' or
`homeless person' ''.

(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and

(2) an individual who has a primary nighttime residence that is--

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) Income eligibility

(1) In general A homeless individual shall be eligible for assistance under any program provided by this chapter, only if the individual complies with the income eligibility requirements otherwise applicable to such program.

(2) Exception Notwithstanding paragraph (1), a homeless individual shall be eligible for assistance under the Job Training Partnership Act [29 U.S.C. 1501 et seq.] or title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.].

(c) Exclusion For purposes of this chapter, the term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

(Pub. L. 100-77, title I, Sec. 103, July 22, 1987, 101 Stat. 485; Pub. L. 101-625, title VIII, Sec. 822, Nov. 28, 1990, 104 Stat. 4355; Pub. L. 101-645, title VI, Sec. 602, Nov. 29, 1990, 104 Stat. 4734; Pub. L. 105-277, div. A, Sec. 101(f) [title VIII, Sec. 405(d)(41), (f)(32)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-427, 2681-434.)

Amendment of Subsection (b)(2)

Pub. L. 105-277, div. A, Sec. 101(f) [title VIII, Sec. 405(f)(32), (g)(2)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-434, 2681-435, provided that, effective July 1, 2000, subsection (b)(2) of this section is amended by striking "the Job Training Partnership Act or".

References in Text

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 100-77, July 22, 1987, 101 Stat. 482, known as the Stewart B. McKinney Homeless Assistance Act. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

The Job Training Partnership Act, referred to in subsec. (b)(2), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, which is classified generally to chapter 19 (Sec. 1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

The Workforce Investment Act of 1998, referred to in subsec. (b)(2), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. Title I of the Act is classified principally to chapter 30 (Sec. 2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

Amendments

1998--Subsec. (b)(2). Pub. L. 105-277, Sec. 101(f) [title VIII, Sec. 405(d)(41)], substituted ``the Job Training Partnership Act or title I of the Workforce Investment Act of 1998" for ``the Job Training Partnership Act".

1990--Subsec. (a). Pub. L. 101-625 inserted ``or homeless person" after ``homeless individual" in introductory provisions.

Subsec. (b). Pub. L. 101-645 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ``A homeless individual shall be eligible for assistance under any program provided by this chapter, or by the amendments made by this Act, only if the individual complies with the income eligibility requirements otherwise applicable to such program."

Effective Date of 1998 Amendment

Amendment by section 101(f) [title VIII, Sec. 405(d)(41)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, Sec. 405(f)(32)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII, Sec. 405(g)(1), (2)(B)] of Pub. L. 105-277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

Section Referred to in Other Sections

This section is referred to in sections 1486, 11362, 11403c, 12899f of this title; title 12 sections 1441a, 1821; title 26 section 42; title 29 sections 1503, 1703a, 2801; title 38 section 3771.

Sec. 11303. Funding availability and limitations

(a) Calculation The amounts authorized in this chapter shall be in addition to any amount appropriated for the programs involved before July 22, 1987.

(b) Availability until expended Any amount appropriated under an authorization in this chapter shall remain available until expended.

(c) Limitation Appropriations pursuant to the authorizations in this chapter shall be made in accordance with the provisions of the Congressional Budget and Impoundment Control Act of 1974, which prohibits the consideration of any bill that would cause the deficit to exceed the levels established by the Balanced Budget and Emergency Deficit Control Act of 1985, such that it shall not increase the deficit of the Federal Government for fiscal year 1987.

(Pub. L. 100-77, title I, Sec. 104, July 22, 1987, 101 Stat. 485.)

References in Text

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (c), is Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (c), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (Sec. 900 et seq.) and sections 654 to 656 of Title 2, amended section 911 of this title, sections 602, 622, 631 to 642, and 651 to 653 of Title 2, and sections 1104 to 1106, and 1109 of Title 31, Money and Finance, repealed section 661 of Title 2, enacted provisions set out as notes under section 911 of this title and section 900 of Title 2, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

Budget Compliance

Pub. L. 100-628, title I, Sec. 101, Nov. 7, 1988, 102 Stat. 3227, provided that:

“(a) In General.--This Act and the amendments made by this Act [see Short Title of 1988 Amendment note set out under section 11301 of this title] may not be construed to provide for new budget authority, budget outlays, or new entitlement authority, for fiscal year 1989 or 1990 in excess of the appropriate aggregate levels established by the concurrent resolution on the budget for such fiscal year for the programs authorized by this Act and the amendments made by this Act.

“(b) Definitions.--For purposes of this section, the terms ‘budget authority’, ‘budget outlays’, ‘concurrent resolution on the budget’, and ‘entitlement authority’ have the meanings given such terms in section 3 of the Congressional Budget Act of 1974 (2 U.S.C. 622).”

Sec. 11304. Evaluation by Comptroller General

The Comptroller General of the United States may evaluate the disbursement and use of the amounts made available by appropriation Acts under the authorizations in subchapters III and IV of this chapter.

(Pub. L. 100-77, title I, Sec. 105, July 22, 1987, 101 Stat. 486; Pub. L. 100-628, title I, Sec. 102(a), (b)(1), Nov. 7, 1988, 102 Stat. 3227; Pub. L. 104-316, title I, Sec. 122(t), Oct. 19, 1996, 110 Stat. 3838.)

Amendments

1996--Pub. L. 104-316 substituted “may” for “shall annually” and struck out “, and submit to the Congress an annual summary of the status of each program authorized under this chapter” before period at end.

1988--Pub. L. 100-628 substituted “Annual program summary” for “Audits” in section catchline and, in text, substituted “shall annually evaluate” for “shall evaluate” and “submit to the Congress an annual summary of the status of each program authorized under this chapter” for “submit a report to the Congress setting forth the findings of such evaluation, upon the expiration of the 4-month and 12-month periods beginning on July 22, 1987”.